McCampbell & Young

A PROFESSIONAL CORPORATION ATTORNEYS AT LAW

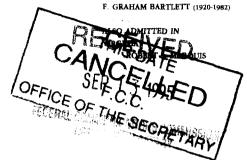
2021 PLAZA TOWER
POST OFFICE BOX 550
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September 12, 1995

CRIGINAL

H. H. McCAMPBELL, JR. (1905-1974)



Via Federal Express

William F. Caton, Acting Secretary Federal Communications Commission 1919 M Street, N.W., Room 222 Washington, D.C. 20554

ATTENTION: Allocations Branch

MOCKET THE COPY ORIGINAL

RECEIVED

SEP 1 3 1995

Re: MM Docket No. 95-122

Amendment of FM Table of Allotments

(Lexington and Parker's Crossroads, Tennessee)

FCC MAIL ROOM

Dear Mr. Caton:

ROBERT S. YOUNG, JR.

ROBERT S. MARQUIS

J. CHRISTOPHER KIRK

GREGORY E. ERICKSON

ROBERT S. STONE

MARK K. WILLIAMS JANIE C. PORTER

R. SCOTT ELMORE TAMMY KAOUSIAS BENÉT S. THEISS ALLEN W. BLEVINS

LINDSAY YOUNG

On behalf of our client, Crossroads Broadcasting, we submit herewith an original and four copies of its Comments and Counterproposal in the above proceeding.

Also enclosed is an additional copy of the Comments and Counterproposal to be returned to the undersigned in the enclosed postage-paid self-addressed envelope after it has been date-stamped by your office.

Please direct any questions concerning the enclosed to the undersigned. Thank you for your assistance.

Sincerely,

MCCAMPBELL & YOUNG A Professional Corporation

Robert S. Stone

RSS/cs

Enclosures: As stated

cc: Crossroads Broadcasting (with enclosure)

Dennis P. Corbett, Esq. (with enclosure)

recia Oty

Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

SEP 1 1995

			· · · · · · · · · · · · · · · · · · ·
In the	e matter of:		SAPEN XI.
Ame	ndment of Section 73.202(b))	MM Docket No. 95-122
Table	e of Allotments,)	
FM I	Broadcast Stations.)	RM No. 8668
(Lexi	ington, Tennessee and)	
Parke	er's Crossroads, Tennessee))	
То:	Chief Allocations Branch		
	Policy and Rules Division		DOCKET FILE COPY ORIGINAL
	Mass Media Bureau		,

COMMENTS AND COUNTERPROPOSAL OF CROSSROADS BROADCASTING

Crossroads Broadcasting ("Crossroads") by counsel, in response to the Commission's *Notice of Proposed Rule Making*, DA95-1605, released July 26, 1995 ("*NPRM*") in the above-captioned rule making proceeding, hereby respectfully submits its comments and counterproposal. Crossroads respectfully requests the allotment of Channel 243A to the community of Parker's Crossroads, Tennessee instead of Lexington, Tennessee. In support whereof, the following is shown:

1. The community of Parker's Crossroads is presently without any form of local broadcast transmission service. Although the community is small (1990 population -- 161 persons), it nevertheless more than qualifies as a "community" for FM allotment purposes. Parker's Crossroads is incorporated and lies at the intersection of Interstate 40 and State Route 22 in Henderson County. Tennessee (see attached excerpt from 1995 Rand McNally Road Atlas). The community is managed by a mayor and board of aldermen form of government. Although the city shares water, gas, and electricity with Henderson and surrounding counties and shares

fire and police service with Henderson County, the community maintains a city park, a local post office, and is home to a number of businesses, civic clubs, and churches. Beaver School (grades K-8) is located in Parker's Crossroads. The Crossroads Possum Club and the Beaver Ruritan Club are located in Parker's Crossroads along with an historic Civil War battle tour. The Expressway Church of Christ and the County Line Baptist Church are located in the community. Businesses located in Parker's Crossroads include Cotton Patch Restaurant, Giftland Fireworks, County Store, Best Western Inn, Johnny Shiloh's Restaurant, Texaco Kwik Mart, Antiques Collectibles, Knights Inn, Bailey's Restaurant, Amoco Food Stop, Olive Bros. Grocery & BP, Log Cabin Information Center, Citgo Bull Market, I-Mart, Crossroads Discount Grocery, First Bank Branch Office, Parker's Crossroads Nursery, Parker's Crossroads Campground, and Hwy 22 Salvage Grocery. Thus, although small, Parker's Crossroads qualifies as a community for allotment purposes. See. Talking Rock, Georgia. DA95-1728, released August 14, 1995 (FM Channel 261A allotted to community consisting of 62 persons).

2. As set forth in the technical exhibit attached hereto in support of Crossroads's counterproposal, FM Channel 243A may be allotted to the community of Parker's Crossroads in full compliance with all spacing requirements of the Commission while providing for principal community coverage throughout the community. The allotment would not create or exacerbate any shortspacing to existing assignments, vacant allotments, pending applications, or proposed allotments with the exception of the proposal by Floriplex, Inc. ("Floriplex"), Petitioner in the instant proceeding.

¹ Although still called the "Wildersville Post Office", based upon its prior location in the nearby community of Wildersville, Tennessee, the post office has been relocated to the community of Parker's Crossroads.

- 3. Floriplex suggests that FM Channel 243A be allotted to the community of Lexington, Tennessee (population 5,810). Lexington is already the community of license for WDXL(AM) and WZLT(FM), both full-time aural services.² Thus, Lexington does not qualify for allotment priorities for first full-time aural service, second full-time aural service, or first local service. See, Revision of FM Policies and Procedures ("FM Priorities"), 90 FCC 2d 88 (1982). Parker's Crossroads, on the other hand, is presently without local service, thus qualifying for such an allotment priority.
- 4. Crossroads Broadcasting hereby states its commitment to promptly apply for a construction permit consistent with the allotment of FM Channel 243A to Parker's Crossroads, Tennessee should the instant counterproposal be adopted. Crossroads Broadcasting further states its commitment to prompt construction of broadcast facilities in accordance with the terms of the construction permit issued by the Commission therefor, so that the community of Parker's Crossroads may receive local broadcast service at the earliest possible date.³

WHEREFORE, premises considered. Crossroads Broadcasting respectfully urges the Commission to amend its *Table of FM Allotments* so as to allot FM Channel 243A to the community of Parker's Crossroads, Tennessee.

² Lexington is also the community of license for non-commercial educational WLJT-TV, an affiliate of the Public Broadcasting Service.

³ Floriplex qualifies its commitment by stating that it has only a "present intention" to apply for FM Channel 243A should the channel be allotted to Lexington.

Dated this 12th day of September, 1995.

Respectfully Submitted,

CROSSROADS BROADCASTING

MCCAMPBELL & YOUNG, P.C. Its Attorneys

By:

Robert S. Stone

MCCAMPBELL & YOUNG A Professional Corporation 2021 Plaza Tower P. O. Box 550 Knoxville, Tennessee 37901-0550 (615) 637-1440

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TECHNICAL EXHIBIT

IN SUPPORT OF PETITION FOR RULE MAKING NEW FM - CHANNEL 243A PARKERS CROSSROADS, TENNESSEE (COUNTERPROPOSAL TO MM DOCKET NO. 95-122)

CROSSROADS BROADCASTING

Prepared August 19, 1995

CONTEMPORARY COMMUNICATIONS
Broadcast Consultants
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TECHNICAL EXHIBIT

IN SUPPORT OF PETITION FOR RULE MAKING
NEW FM - CHANNEL 243A
PARKERS CROSSROADS, TENNESSEE
(COUNTERPROPOSAL TO MM DOCKET NO. 95-122)

CROSSROADS BROADCASTING

INTRODUCTION

This Technical Exhibit supports the counterproposal of Crossroads Broadcasting, seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 243A to Parkers Crossroads, Tennessee, as that community's first local FM channel. This counterproposal is mutually-exclusive with a proposal to allocate Channel 243A to Lexington, Tennessee (MM Docket No. 95-122). Channel 243A is the only FM channel available for allocation at either community.

ALLOCATION

A study was performed using the computerized SEARCHFM frequency search program and the current FCC/NTIS database to determine if Channel 243A could be allocated in compliance

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with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all pertinent co-channel, adjacent-channel and IF separations.

The results of that study indicate that Channel 243A may be allocated to Parkers Crossroads in full compliance with Section 73.207(b), without the imposition of a siterestriction.

The "Useable Area" for Channel 243A is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation limits from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Parkers Crossroads in which to locate a transmitter site. Assuming maximum facilities (6 kw @ 100 meters above average terrain), a transmitter site at any location within the useable area would enable the proposed station to provide adequate citygrade (70 dBu) coverage to the entire city, compliance with Section 73.315(a) and (b).

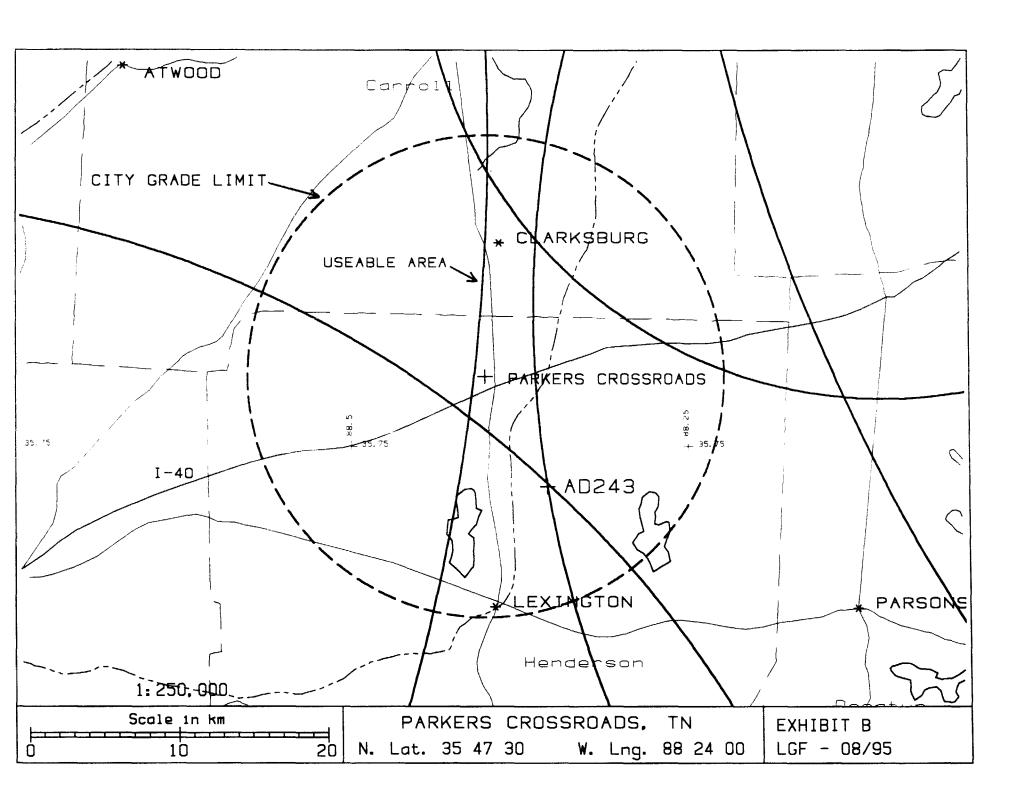
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CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 243A is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).



DISPLAY DATES

CONTEMPORARY COMMUNICATIONS BROADCAST CONSULTANTS

PARKERS CROSSROADS TN NEW FM "DROP-IN" STUDY

REFERENCE

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RECEIVED OEP 1 3 1995 FCC MAIL ROOM

CERTIFICATION

State of Mississipp	i)
) ss.
County of Bolivar)

- I, Larry G. Fuss, do hereby certify as follows:
- I am a qualified and experienced broadcast consultant. 1) I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by Crossroads Broadcasting to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Comments and Counterproposal of Crossroads Broadcasting has been served, this 12th day of September, 1995 upon all counsel or parties as listed below at interest in this cause by delivering a true and exact copy to the offices of said counsel or parties or by placing a copy in the United States mail addressed to said counsel or parties at his/her office, with sufficient postage to carry it to its destination, or by special overnight courier.

Dennis B. Corbett, Esq. Leventhal, Senter & Lerman 2000 K Street, NW, Suite 600 Washington, DC 10006-1809

Robert S. Stone